

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NADINE PELLEGRINO AND
HARRY WALDMAN,

:
Plaintiffs, : CIVIL ACTION

v. : NO. 09-CV-5505

UNITED STATES OF AMERICA
TRANSPORTATION SECURITY
ADMINISTRATION, et. al.,

Defendants. :

FILED

FEB 28 2012

MARIE LUNZ, Clerk
[Signature] DEP. CLERK

ORDER

27th

AND NOW, this day of February, 2012, upon

consideration of Defendants' Motion to Dismiss the Third Amended
Complaint (Doc. No. 40), Plaintiff's Response in opposition
thereto (Doc. No. 63), Defendants' Reply (Doc. No. 66) and
Plaintiff's Sur-Reply (Doc. No. 76), it is hereby ORDERED that

(1) The Motion is DENIED as to the following claims:

(A) Plaintiff Pellegrino's Claims for Property Damage,
False Arrest/Imprisonment, Malicious Prosecution

and Civil Conspiracy under the Federal Torts Claim
Act (FTCA) Against Defendant United States;

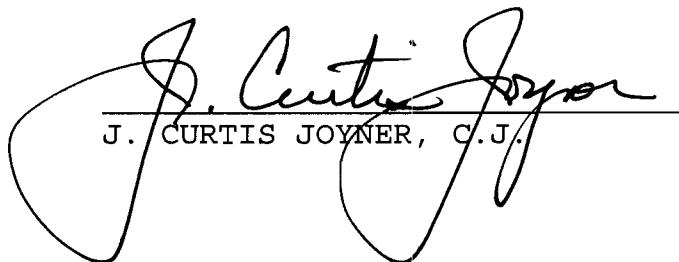
(B) Plaintiff Pellegrino's *Bivens* Claims for Malicious
Prosecution and Conspiracy to Engage in Malicious
Prosecution under the First and Fourth Amendments
Against Defendants TSOs Abdul-Malik and Labbee in
their individual capacities;

(C) Plaintiffs' Claim Against Defendant U.S.

Transportation Security Administration (TSA) for
Failure to Comply with Request for Records
Pursuant to the Freedom of Information Act (FOIA)
and the Privacy Act;

- (2) The Motion is GRANTED as to all other potential claims
and those claims are DISMISSED;
- (3) Defendant TSA is directed to produce a Vaughn Index for
the remaining withheld documents pertaining to Plaintiff
Pellegrino within 45 days of the date of this Order.

BY THE COURT:



J. CURTIS JOYNER, C.J.

A handwritten signature in black ink, appearing to read "J. Curtis Joyner". Below the signature, the name "J. CURTIS JOYNER, C.J." is printed in a smaller, sans-serif font, enclosed in a thin horizontal line.